

1 REMARKS

2 Status of the Claims

3 Claims 2, 4-11, 14, 15, 17-41, 43, 44, 55-61, 88, 89, and 97 are pending in the present  
4 application, Claims 1, 3, 12, 13, 16, 42, 45-54, 62-73, 75, 79-87, 90-96 and 99-100 having been  
5 previously canceled, Claims 74, 76-78, and 98 having been currently canceled herein, and Claims 2,  
6 55, and 57 having been amended to more clearly distinguish the recited subject matter over the cited  
7 art.

8 Brief Summary of Examiner Musselman's Telephone Message

9 Applicant acknowledges receipt of Examiner Musselman's voicemail message on Tuesday,  
10 May 12, 2009. Examiner Musselman indicated that he had reviewed the proposed amendments that  
11 had been informally faxed to him earlier and it appeared that the proposed amendments overcame the  
12 prior art. Examiner Musselman also suggested that the proposed amendments be submitted formally.  
13 Examiner Musselman indicated that he would call applicant's attorney if additional cited art became  
14 available so that a discussion could take place at that point.

15 Applicant very much appreciates Examiner Musselman's willingness to review the proposed  
16 amendments, as applicant's intention is to place all of the claims in a condition for allowance with  
17 this amendment.

18 Allowable Subject Matter

19 Claims 88, 89, and 97 are allowed.

20 Claims Rejected under 35 U.S.C. § 102(b)

21 Claims 2, 7, 9, 11, 14, 15, 17, 20-28, 31, 34-37, 43, 44 and 55-61 have been rejected under  
22 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,134,218 (Adams et al.-hereinafter  
23 referred to as "Adams").

24 Applicant respectfully disagrees with the above rejections for at least the following reasons.

25 In the interest of reducing the complexity of the issues for the Examiner to consider in this  
26 response, the following discussion focuses on independent Claims 2, 55, and 57.

27 The patentability of each remaining dependent claim is not necessarily separately addressed in  
28 detail. However, applicant's decision not to discuss the differences between the cited art and each  
29 dependent claim should not be considered as an admission that applicant concurs with the Examiner's  
30 conclusion that these dependent claims are not patentable over the disclosure in the cited references.

1 Similarly, applicant's decision not to discuss differences between the prior art and every claim  
2 element, or every comment made by the Examiner, should not be considered as an admission that  
3 applicant concurs with the Examiner's interpretation and assertions regarding those claims. Indeed,  
4 applicant believes that all of the dependent claims patentably distinguish over the references cited. In  
5 any event, a specific traverse of the rejection of each dependent claim is not required, since  
6 dependent claims are patentable for at least the same reasons as the independent claims from which  
7 the dependent claims ultimately depend.

8 Patentability of Independent Claims 2, 55 and 57 over Adams

9 Applicant has amended independent Claims 2, 55 and 57 to clarify that the *evaluation circuit*  
10 is self healing in order to further distinguish these claims over the Adams reference. Applicant  
11 believes there is support in the specification for such an amendment, as found on page 61, lines 20-23  
12 wherein it is disclosed that despite repeated punctures with a needle, that no damage is done to the  
13 conductive elastomer, such as causing a short in the circuit.

14 Accordingly, the rejection of independent Claims 2, 55 and 57 under 35 U.S.C. § 102(b)  
15 should be withdrawn.

16 Since dependent claims inherently include all of the recitation of the independent claims from  
17 which they ultimately depend, for at least the same reasons as noted above in connection with  
18 independent Claims 2, 55 and 57, the rejection of their dependent claims should also be withdrawn.

19 Claims Rejected under 35 U.S.C. § 103(a)

20 Claims 4-6, 74, 76, 77, and 98 have been rejected under 35 U.S.C. § 103(a) as being  
21 unpatentable over Adams in view of U.S. Patent No. 5,175,214 (Takaya et al.-hereinafter referred to  
22 as "Takaya").

23 Claims 8, 10 and 18-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable  
24 over Adams.

25 Claims 29, 30, 32, 33, and 78 have been rejected under 35 U.S.C. § 103(a) as being  
26 unpatentable over Adams in view of U.S. Patent No. 5,853,292 (Eggert et al.-hereinafter referred to as  
27 "Eggert").

28 Claims 38-41 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams  
29 in view of U.S. Patent No. 4,872,841 (Hamilton et al.-hereinafter referred to as "Hamilton").  
30

1 Patentability of Independent Claim 74

2 Independent Claim 74 has been canceled, so its rejection is now moot.

3 The rejection of dependent Claims 76 and 77 is also moot, as these claims have also been  
4 canceled.

5 Patentability of Independent Claim 98

6 Independent Claim 98 has been canceled, so its rejection is now moot.

7 Patentability of Dependent Claims 4-6

8 Dependent claims inherently include all of the recitation of the independent claims from  
9 which they ultimately depend. Thus, for at least the same reasons as noted above in connection with  
10 independent Claim 2 and because the additional cited art of Takaya does not cure the deficiencies  
11 outlined above, the rejection of dependent Claims 4-6 should be withdrawn.

12 Patentability of Dependent Claims 8, 10 and 18-19

13 Dependent claims inherently include all of the recitation of the independent claims from  
14 which they ultimately depend. Thus, for at least the same reasons as noted above in connection with  
15 independent Claim 2, dependent Claims 8, 10 and 18-19 should be withdrawn.

16 Patentability of Dependent Claims 29, 30, 32, and 33

17 Dependent claims inherently include all of the recitation of the independent claims from  
18 which they ultimately depend. Thus, for at least the same reasons as noted above in connection with  
19 independent Claim 2 and because the additional cited art of Eggert does not cure the deficiencies  
20 outlined above, the rejection of dependent Claims 29, 30, 32, and 33 should be withdrawn.

21 Patentability of Dependent Claim 78

22 Dependent Claim 78 has been canceled, so its rejection is now moot.

23 Patentability of Dependent Claims 38-41

24 Dependent claims inherently include all of the recitation of the independent claims from  
25 which they ultimately depend. Thus, for at least the same reasons as noted above in connection with  
26 independent Claim 2 and because the additional cited art of Hamilton does not cure the deficiencies  
27 outlined above, the rejection of dependent Claims 38-41 should be withdrawn.

28 Conclusion

29 In consideration of the amendment to the claims and the Remarks set forth above, it is  
30 applicant's position that all claims in the current application are patentable over the art of record.

1 The Examiner is thus requested to pass this case to issue without further delay. In the event that any  
2 other issues remain, the Examiner is invited to telephone applicant's attorney at the number listed  
3 below.

6 Respectfully submitted,

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